

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL JOHNSON, et al.,

Plaintiffs,

CIVIL ACTION NO. 11-15039

v.

DISTRICT JUDGE AVERN COHN

WAYNE COUNTY CORPORATION,
et al.,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

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**REPORT AND RECOMMENDATION DENYING AS MOOT PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**

This matter is before the Court on Plaintiff Daniel Johnson's Motion for Default Judgment. (Dkt. #25). Johnson asks the Court to find Defendants Wayne County Corporation, Sheriff Benny Napoleon, Chief Heard, Lt. Faust, Sgt. Berri, Cpl. Pettigrew, and Officer MacFarland (collectively, "Defendants") in default, because they did not respond to Plaintiffs' Complaint.

Though untimely, Defendants filed an Answer on May 10, 2012 (the same day Johnson filed his Motion for Default Judgment). This Magistrate Judge finds that Plaintiffs have suffered no prejudice by the brief delay in filing an Answer. Therefore, it is **RECOMMENDED** that Johnson's motion be **DENIED AS MOOT**.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Failure to file specific

objections constitutes a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *See Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: June 27, 2012

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, June 27, 2012, by electronic and/or ordinary mail.

s/Melody Miles

Case Manager